

## **EXECUTIVE SUMMARY**

**TO:** Jim Scholl, City Manager

**FROM:** Mark Z. Finigan, Assistant City Manager - Administration

**DATE:** February 14, 2012

**SUBJECT:** 3015 Riviera Drive  
Release of Lien

### **Action statement:**

Request City of Key West City Commission accepts the mitigated amount of \$176.50 of accrued fines of \$133,500.00 for the property located at 3015 Riviera Drive. Request City of Key West City Commission release the lien placed by the City of Key West on the subject property pursuant to City of Key West Code of Ordinances Sec 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien).

### **Background:**

On July 25, 2007 the City of Key West received a complaint that construction was going on at this property without a permit. A Notice of Code Violation was issued on August 8, 2007. Corrective action was to be taken within ten days of the notice.

On July 28, 2008, a Notice of Code Violation and Administrative Hearing was issued for the hearing scheduled on August 27, 2008.

The hearing was held August 27, 2008 and a Findings of Fact, Conclusions on Law and Order was issued for failure to obtain a building permit for the work that was done. Administrative Costs of \$150.00 were imposed along with a fine of \$250.00 per day if compliance was not met by September 23, 2008. A compliance hearing was held on September 14, 2008.

A Notice of Non-Compliance Payment Update was sent via certified mail on October 22, 2008 stating that compliance had not been achieved and the fines had accrued to \$7,150.00.

Building permits were applied for on May 21, 2009 for the replacement of windows and doors and installation of hurricane shutters. The permit was issued on March 11, 3010.

A Notice of Lien Hearing was issued on May 26, 2009 for a hearing to be held on June 24, 2009.

A lien was filed on July 1, 2009 with the County and a copy was sent to the owner of record, Louis F and Ginger L Weller.

On October 24, 2011, an email was received from, Shapiro, Fishman & Gaché preferred law office of record for Federal National Mortgage Association as well as BAC Home Loans Servicing, LP f/k/a/ Countrywide Home Loans Servicing LP, stating that they had been retained to represent their interest in regards to the code violation lien that is recorded against the property and that the violation was not of public record at the time that the property entered into foreclosure and therefore as a result, the city was not included in the foreclosure action. An offer was made to pay the administrative cost and filing fees.

**Recommendation:**

Request City of Key West City Commission accepts the mitigated amount of \$176.50 of accrued fines of \$133,500.00 for the property located at 3015 Riviera Drive. Request City of Key West City Commission release the lien placed by the City of Key West on the subject property pursuant to City of Key West Code of Ordinances Sec 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien).

## REQUEST FOR MITIGATION

To: City of Key West  
Code Compliance Division  
3139 Riviera Drive  
Key West, FL 33040  
Phone: 305-809-3740 - Fax: 305-809-3739

Case #: 07-2197

As owner, I, Federal National Mortgage Association am requesting that the Special Magistrate consider mitigating the accrued fines at 3015 Riviera Drive. The amount of the fine is \$133,500.00. I am offering \$ 176.50 to settle the above fine.

I will represent myself at the Mitigation Hearing

My Attorney, The Law Office of Shapiro, Fishman and Gache', LLP will represent me at the Mitigation Hearing and is empowered to negotiate the above fine.

My representative \_\_\_\_\_, with attached Power of Attorney, is empowered to negotiate the amount of the fine.

This document must be received at least 15 days prior to the Hearing.

Christopher J. Deane  
Signature of Owner

Associate  
General  
Counsel  
for  
Fannie Mae

2/24/2012  
Date